



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Department of Labor and Industries

- ☒ Preproposal Statement of Inquiry was filed as WSR 03-10-066; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR ____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice
to WSR ____
☐ Continuance of WSR ____

(a) Title of rule: (Describe Subject) Forklifts and Other Powered Industrial Trucks

Purpose: The department is rewriting and clarifying requirements relating to forklifts and other powered industrial trucks. This will make the requirements for forklifts and other powered industrial trucks easy to read and understanding, making them more useful for employers and employees. This proposal will move the forklift and other powered industrial truck requirements from Chapter 296-24 WAC, General Safety and Health Standards, to a new chapter, chapter 296-863, Forklifts and other Powered Industrial Trucks.

Other identifying information: See attachment (a).

(b) Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060

Statute being implemented: Chapter 49.17 RCW

(c) **Summary:** The department is rewriting and clarifying requirements relating to forklifts and other powered industrial trucks. This will make the requirements for forklifts and other powered industrial trucks easy to read and understanding, making them more useful for employers and employees. This proposal will move the forklift and other powered industrial truck requirements from Chapter 296-24 WAC, General Safety and Health Standards, to a new chapter, chapter 296-863, Forklifts and other Powered Industrial Trucks.

Reasons supporting proposal: See attachment (a).

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... .. Tracy Spencer	Tumwater	360-902-5530
2. Implementation.... Michael A. Silverstein	Tumwater	360-902-5495
3. Enforcement..... Michael A. Silverstein	Tumwater	360-902-5495

(e) Name of proponent (person or organization):
Department of Labor and Industries

- ☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION:

Department of Labor and Industries
Auditorium
7273 Linderson Way Southwest
Tumwater, Washington

Date: May 27, 2004 Time: 9:30 A.M.

Assistance for persons with disabilities: Contact
Sally Elliott by May 24, 2004 at (360) 902-5484 or email at
yous235@lni.wa.gov

NAME (TYPE OR PRINT)

Paul Trause

SIGNATURE

TITLE

Director

DATE

March 30, 2004

Submit written comments to:

Jim Hughes, Project Manager
PO Box 44620
Olympia Washington 98506-4620
Email: hugw235@lni.wa.gov
FAX (360) 902-5529 By May 31, 2004

DATE OF INTENDED ADOPTION: August 17, 2004

CODE REVISER USE ONLY

WSR# 04-08-039

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

Rules regarding the training of powered industrial truck operators and the safe use of these vehicles are in chapter 296-24 WAC, Safety and Health Standards. These requirements will be rewritten and moved into chapter 296-863 WAC, Forklifts and other Powered Industrial Trucks. The American Society of Mechanical Engineers (ASME) criteria pertaining to rough terrain forklift trucks have been added to the rule. Minimum side clearance requirements have been increased to equal those currently stipulated in chapter 296-860 WAC, Railroad clearances and walkways in private rail yards and plants. There are no anticipated effects.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

The American Society of Mechanical Engineers (ASME) criteria pertaining to rough terrain forklift trucks have been added to the rule. Minimum side clearance requirements have been increased to equal those currently stipulated in chapter 296-860 WAC, Railroad clearances and walkways in private rail yards and plants.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

☒ No. Explain why no statement was prepared

The agency has rewritten requirements to clarify and better organize existing language of chapter 296-24 WAC, pertaining to forklifts and other powered industrial trucks, without changing its effect. The clarified requirements are being published as chapter 296-863 WAC, Forklift and other Powered Industrial Trucks. As such, a SBEIS is not required per RCW 34.05.328(5)(b).

We are also incorporating, without material change, national consensus code requirements. RCW 34.05.328(5)(b) exempts the agency from conducting a SBEIS under such conditions.

(l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☒ No

Please explain:

Significant rule-making criteria do not apply to this rule making because the changes either incorporate, without material change, national consensus code requirements or clarify requirements.